

SUMMARY OF PROPOSED COMMITTEE DRAFT:

**BILL 40 (2019)
RELATING TO PLASTIC.**

The **PROPOSED CD1** makes the following amendments:

- A. Amends SECTION 9 by amending the effective date provision to state that SECTION 5 of the bill takes effect on January 1, 2021.
- B. Makes miscellaneous technical and nonsubstantive amendments, including formatting changes and amendments to comport the bill with recommended drafting style.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **40 (2019), CD1**

PROPOSED

A BILL FOR AN ORDINANCE

RELATING TO PLASTIC.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and Findings. The purpose of this ordinance is to address the provision of certain single-use plastic goods and plastic bags.

A significant portion of marine debris originates on land, primarily as litter in urban runoff. Marine plastic degrades into pieces and particles of all sizes and is present in the world's oceans at all levels. It attracts ambient pollutants, particularly persistent organic pollutants, which collect on the surface of plastic particles. Marine plastic also causes animal disease and mortality, as ocean species ingest the plastic or become entangled in it. Furthermore, plastic has been detected in seafood sold for human consumption.

The City and County of Honolulu (the "City") is a recognized leader in developing responsible waste management policies and programs. In order to protect health, life, and property and preserve the order and security of the City and its inhabitants, ordinances have been enacted to regulate the use of plastic and non-recyclable paper bags provided to customers. In continuing to strive for responsible waste management policies and programs, the City must address the provision of single-use plastic goods.

SECTION 2. Section 9-9.1, Revised Ordinances of Honolulu 1990, is amended by amending the definitions of "Plastic checkout bag" and "Plastic film bag" to read as follows:

"Plastic checkout bag":

- (1) Means a carryout bag that is provided by a business to a customer for the purpose of transporting groceries or other retail goods, and is made from plastic and not specifically designed and manufactured for multiple re-use;
- (2) This term does not include:
 - (A) Bags used by customers inside a business to package loose items, such as fruits, vegetables, nuts, ground coffee, grains, candies, or small hardware items;
 - (B) Bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, or other items to contain dampness;



A BILL FOR AN ORDINANCE

- (C) ~~[Bags used to protect or transport prepared foods, beverages, or bakery goods;~~
- {D} Bags provided by pharmacists to contain prescription medications;
- ~~{E}~~ {D} Newspaper bags for home newspaper delivery;
- ~~{F}~~ {E} Door-hanger bags;
- ~~{G}~~ {F} Laundry, dry cleaning, or garment bags, including bags provided by hotels to guests to contain wet or dirty clothing;
- ~~{H}~~ {G} Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;
- ~~{I}~~ {H} Bags used to contain live animals, such as fish or insects sold in pet stores;
- ~~{J}~~ {I} Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level; provided that this exemption shall be limited to one bag per customer; or
- ~~{K}~~ {J} Compostable plastic bags.

"Plastic film bag":

- (1) Means a plastic bag made out of thin flexible sheets of plastic with a thickness of 10 mils or less;
- (2) This term does not include:
 - (A) Bags used by customers inside a business to package loose items, such as fruits, vegetables, nuts, ground coffee, grains, candies, or small hardware items;
 - (B) Bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, or other items to contain dampness;
 - (C) ~~[Bags used to protect or transport prepared foods, beverages, or bakery goods;~~
 - {D} Bags provided by pharmacists to contain prescription medications;
 - ~~{E}~~ {D} Newspaper bags for home newspaper delivery;



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 40 (2019), CD1

A BILL FOR AN ORDINANCE

~~[(F)]~~(E) Door-hanger bags;

~~[(G)]~~(F) Laundry, dry cleaning, or garment bags, including bags provided by hotels to guests to contain wet or dirty clothing;

~~[(H)]~~(G) Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;

~~[(I)]~~(H) Bags used to contain live animals, such as fish or insects sold in pet stores;

~~[(J)]~~(I) Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level; provided that this exemption shall be limited to one bag per customer; or

~~[(K)]~~(J) Compostable plastic bags."

SECTION 3. The title of Chapter 41, Article 27, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Article 27. ~~[Polystyrene Foam Containers]~~ Food Service Ware"

SECTION 4. Section 41-27.1, Revised Ordinances of Honolulu 1990, is amended by amending the definition of "Department" and by adding new definitions of "Plastic service ware," "Single-use," and "Utensils" to read as follows:

"Department" means the department of ~~[public works]~~ environmental services.

"Plastic service ware" means single-use plastic straws, stirrers, and utensils.

"Single-use" means designed to be used once and discarded and not designed for repeated use and sanitizing.

"Utensils" are single-use plastic utensils intended to assist in the consumption of food, including but not limited to spoons, forks, and knives."

SECTION 5. Section 41-27.2, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 41-27.2 Ban on ~~[use of polystyrene foam containers]~~ non-compliant food service ware.

(a) ~~[Except if]~~ Unless exempted under Section 41-27.3, ~~[from January 1, 1990,]~~ no



A BILL FOR AN ORDINANCE

food vendor shall serve prepared food in any polystyrene foam container ~~[which]~~ that is manufactured with the use of or contains chlorofluorocarbons. The department may require a food vendor, supplier, or distributor to furnish a written statement from the manufacturer or supplier of the container used by the food vendor, indicating that use of the container is not prohibited.

- (b) Unless exempted under Section 41-27.3, no food vendor shall provide plastic service ware to customers.
- (c) ~~[Except if]~~ Unless exempted under Section 41-27.3, ~~[from January 1, 1990,]~~ no food packager shall package meat, eggs, bakery products, or other food in any polystyrene foam container ~~[which]~~ that is manufactured with the use of or contains chlorofluorocarbons. The department may require the manufacturer or supplier of the container used by the food packager to furnish a written statement from the manufacturer of the packaging, indicating that use of the container is not prohibited."

SECTION 6. Section 41-27.3, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 41-27.3 Exemptions.

~~[The department may exempt a food vendor or food packager from compliance with the prohibition of Section 41-27.2 until December 31, 1990.]~~ The department may grant an exemption from compliance with the prohibitions of Section 41-27.2 upon application and a showing by the applicant that compliance with the prohibition would cause undue hardship. "Undue hardship" shall be construed to include, but not be limited to:

- (a) Situations where there are no acceptable alternatives to packaging with polystyrene foam containers for reasons ~~[which]~~ that are unique to the applicant; or
- (b) Situations where compliance with the prohibition would deprive a person of a legally protected right ~~[or where the product containing CFCs was purchased prior to the effective date of the ordinance codified in this article].~~

SECTION 7. Section 41-27.5, Revised Ordinances of Honolulu 1990, as amended ("Enforcement"), is amended by amending subsection (c) to read as follows:

- "(c) Enforcement and administration of this article ~~[shall be]~~ are under the jurisdiction of the department ~~[of public works.]~~ of environmental services. Enforcement of



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 40 (2019), CD1

A BILL FOR AN ORDINANCE

this article [~~shall also be~~] is also under the jurisdiction of the Honolulu police department."

SECTION 8. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 40 (2019), CD1

A BILL FOR AN ORDINANCE

SECTION 9. This ordinance takes effect on January 1, 2020; provided that
SECTION 5 takes effect on January 1, 2021.

INTRODUCED BY:

Joey Manahan

DATE OF INTRODUCTION:

July 9, 2019

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu